

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## FINDING OF NO SIGNIFICANT IMPACT (FONSI)

### *Blacks Gulch Water Development Projects* DOI-BLM-CO-N05-2015-0003-EA

#### **Background**

LK Ranches has the grazing permit on the Blacks Gulch allotment #06612 where they graze cattle from mid-March until mid-June yearly. They have proposed two water development projects to improve livestock distribution into areas that currently lack water. A well would be drilled in the Scenery Gulch pasture and would have a tire tank installed adjacent to it with water being pumped via solar panels installed at the well. An existing spring on Colorado Parks and Wildlife (CPW) property would be re-developed and a water line installed to pipe water up the valley across over a mile of BLM land where a tire tank would be installed to provide reliable water in an otherwise waterless area. Costs for these projects would be shared between LK Ranches, Colorado Parks and Wildlife Habitat Partnership Program, the Grazing Advisory Board and the White River Field Office of BLM.

#### **Finding of No Significant Impact**

Based upon a review of the EA and the supporting documents, I have determined that the Proposed Action will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (1996). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

#### **Context**

The project is a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or state-wide importance. There is some oil and gas development several miles south of the project areas but none nearby either proposed project site. Overall there are few roads and little disturbance in the areas surrounding the proposed projects. Each project would create a minor amount of surface disturbance (less than one acre total) and would create two new livestock concentration areas of 10 to 15 acres each immediately around the water sources. Additionally livestock grazing use would distribute out into the surrounding areas for about a mile radius around each development.

## ***Intensity***

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

### **1. Impacts that may be both beneficial and adverse.**

The identified project sites are within the Blacks Gulch livestock grazing allotment west of Meeker, Colorado. There would be increased potential for establishment of noxious weeds in the area immediately adjacent (0.1 mile) of the water development because of the concentrated use around the water. There would be some minor short term vegetation disturbance associated with installation of the waterline and the water troughs. Benefits of the projects will be improved livestock distribution and general management in this allotment. The water developments should also benefit vegetation resources by increasing livestock distribution into previously un-used areas, which would indirectly reduce the intensity of use in forage areas within a reasonable distance (1/2 to 1 mile) of existing water sources.

### **2. The degree to which the Proposed Action affects public health or safety.**

Neither water development should create any impact to public health and safety.

### **3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There are no historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas that are in or near the project areas.

### **4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.**

No comments or concerns have been received regarding possible effects on the quality of the human environment during scoping.

### **5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.**

No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

### **6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. Range improvement projects are identified and discussed in the White River ROD/RMP and the 1981 Grazing EIS. The analysis, approval, and implementation of similar projects is common for improving livestock management on public lands.

### **7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The Proposed Action is not related to any other actions with individually insignificant but cumulatively significant impacts.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

The Proposed Action will not adversely affect districts, sites, highways, structures or objects listed on the National Register of Historic Places. Cultural surveys were completed and there are no cultural issues or concerns associated with the Proposed Action.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.**

The Proposed Action will not adversely affect an endangered or threatened species or its habitat. There are no threatened, endangered or candidate animal species that are known to inhabit or derive important use from the project area and there are also no special status plant species issues or concerns associated with the Proposed Action.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

Neither the Proposed Action nor impacts associated with it violate any laws or requirements imposed for the protection of the environment.

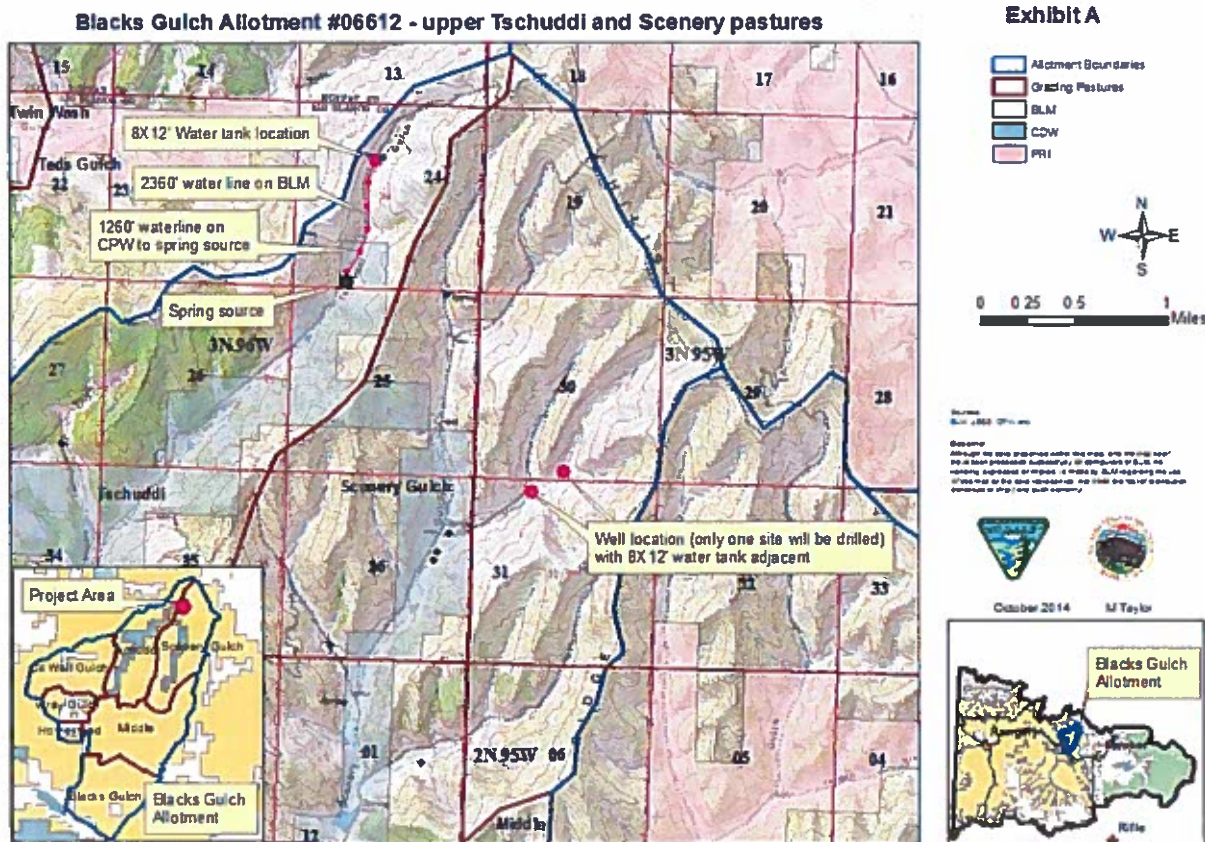
**Signature of Authorized Official**

  
\_\_\_\_\_

Field Manager

  
\_\_\_\_\_  
Date

## Appendix A. Figures





## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

White River Field Office  
220 East Market Street  
Meeker, CO 81641



Certified Mail No. 7011 1570 0001 4970 1291  
Return Receipt Requested

In Reply Refer To:  
4100 (LLCON05000)

January 30, 2015

LK Ranch Livestock, LLC  
PO Box 1404  
Meeker, CO 81641

## NOTICE OF PROPOSED DECISION

Dear Mr. Klinglesmith:

The Bureau of Land Management (BLM) White River Field Office (WRFO) has reviewed your application for water developments in the Blacks Gulch allotment.

### BACKGROUND

To comply with the National Environmental Policy Act, the WRFO conducted an environmental assessment (DOI-BLM-CO-N05-2015-0003-EA) to determine whether or not significant impacts would result from implementation of the proposed water developments in Scenery Gulch and Upper Tschuddi Gulch.

### FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-N05-2015-0003-EA and it was found to have no significant impacts, thus an EIS is not required.

### PROPOSED DECISION

In conformance with 43 CFR 4160.1, my proposed decision is to implement the Proposed Action, as described in DOI-BLM-CO-N05-2015-0003-EA, authorizing the drilling of a water well, installation of associated water-trough with solar panels, re-development of a spring, installation of a water line and associated water-trough, and the future maintenance of these projects.

### **Applicant Committed Design Features:**

1. All areas of soil surface disturbance associated with the Scenery Gulch well project site would be seeded with BLM seed mix number 5. Soil disturbance associated with the Upper Tschuddi Gulch water line and trough would be seeded with BLM seed mix number 6 .

<b>Seed Mix #5 – Scenery Gulch project</b>			
<b>Variety</b>	<b>Common name</b>	<b>Scientific name</b>	<b>PLS/acre</b>
Magnar	Basin Wildrye	<i>Leymus cinereus</i>	3.5
Rosana	Western Wheatgrass	<i>Pascopyrum smithii</i>	3.5
San Luis	Slender Wheatgrass	<i>Elymus trachycaulus</i> ssp. <i>trachycaulus</i>	3
Critana	Thickspike Wheatgrass	<i>Elymus lanceolatus</i> ssp. <i>lanceolatus</i>	3
Timp	Northern Sweetvetch	<i>Hedysarum boreale</i>	4.5
Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1

<b>Seed Mix #6 – Upper Tschuddi project</b>			
<b>Variety</b>	<b>Common name</b>	<b>Scientific name</b>	<b>PLS/acre</b>
UP Plateau	Sandberg bluegrass	<i>Poa secunda</i> ssp. <i>sandbergii</i>	0.5
San Luis	Slender Wheatgrass	<i>Elymus trachycaulus</i> ssp. <i>trachycaulus</i>	2
Sherman	Big Bluegrass	<i>Poa secunda</i> ssp. <i>ampla</i>	1
Bromar	Mountain Brome	<i>Bromus marginatus</i>	2
Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
Bandera	Rocky Mountain Penstemon	<i>Penstemon strictus</i>	0.5

2. LK Ranch would be assigned future maintenance responsibilities for these projects and the access routes to them through Cooperative Maintenance Agreements. The BLM would file for and retain water rights on the well in Scenery Gulch.
3. If there is any spill or release of any chemical, oil, petroleum product, or solid waste during the well drilling, or pipeline and trough installation an LK Ranch representative would contact the BLM WRFO Hazardous Materials Coordinator at (970) 878-3800 and/or the Colorado Department of Public Health and Environment (CDPHE) at 1(877)518-5608.

### **Mitigation Measures:**

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
6. All construction activity shall cease when soils or roads surfaces become saturated to a depth of three inches unless approved by the Authorized Officer.

## **FINAL DECISION**

In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

## **RATIONALE**

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that it meets Colorado Standards for Public Land Health. The projects themselves are expected to have minimal if any negative impacts. Benefits would be improved livestock management and resource conditions in the affected pastures of the Blacks Gulch allotment.

## **MONITORING AND COMPLIANCE**

On-going compliance inspections and monitoring will be conducted by White River Field Office staff during drilling and construction. Specific mitigation will be followed. The applicant will be notified immediately of compliance related issues verbally and in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues. Future range improvement project inspections will occur to ensure that these projects are maintained in a functional condition to serve their intended purpose.

## **AUTHORITY**

This proposed decision is being issued to you as an affected party under authority of 43 CFR 4160.1, and as a qualified applicant under 43 CFR 4110.1.

## **RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the White River Field Office Manager, Bureau of Land Management, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the White River Field Office as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, 755 Parfet St., Suite 151, Lakewood, CO 80215. The BLM does not accept appeals by facsimile or email at this time.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

If you have any questions, contact either Mary Taylor, Range Specialist at 878-3807, or myself at 878-3800.

Sincerely,

A handwritten signature in blue ink that reads "Kent E. Walter". The signature is written in a cursive style with a large initial "K" and "W".

Kent E. Walter  
Field Manager

